

Rec # 545513

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN109
W/EX. A-N

FORD MOTOR COMPANY,
One American Drive
Dearborn, Michigan 48126,

Plaintiff

v.

UNITED STATES CUSTOMS
AND BORDER PROTECTION,
1300 Pennsylvania Ave., NW
Washington, D.C. 20229

Defendant

Case: 2:06-cv-13346
Assigned To: Tarnow, Arthur J
Referral Judge: Pepe, Steven D
Filed: 07-25-2006 At 09:39 AM
cmp Ford Mtr v. US Customs Border d
at

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

1. Plaintiff, Ford Motor Company ("Ford" or "Plaintiff"), brings this action under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552 et seq., as amended, and the Administrative Procedure Act ("APA"), 5 U.S.C. § 701 et seq., for declaratory and injunctive relief against Defendant, the United States Customs and Border Protection ("Customs"), to order the production of agency records which have been improperly withheld from Plaintiff and the admission of Plaintiff into Customs' Importer Self-Assessment (ISA) Program. The records sought consist of documents relating to Customs' classification of Ford as a "low-risk importer" as a result of Customs' 1997-2000 Customs Assessment Team (CAT) Audit, Customs' review of Ford's application to join the ISA Program, and Customs' overall assessment of Ford's compliance record since at least 2000, as detailed in the original request letters sent to the Commissioner of Customs in Washington, D.C., the Customs Chief Counsel in Washington,

D.C., the Customs Regulatory Audit Division in Fort Mitchell, Kentucky, and the Customs Regulatory Audit Division in Washington, D.C. Copies of these requests are attached hereto respectively as Exhibits A, B, C, and D.

2. This Court has jurisdiction over this action pursuant to 5 U.S.C. § 552(a)(4)(B), 28 U.S.C. § 1331, and 5 U.S.C. §§ 701-706, and is empowered to grant the requested relief by 28 U.S.C. § 2201. Venue is proper in this Court pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1391(e).

3. Plaintiff is a Delaware corporation, headquartered in Dearborn, Michigan, that manufactures automobiles. Plaintiff is the requester of the agency records that have been improperly withheld. Plaintiff is also a 50-percent owner of AutoAlliance International, which has been involved in lengthy litigation with Customs in this Court challenging what has become a general pattern of Customs' wanton disregard of the rights of Ford and Ford-related entities.

4. Defendant Customs is an agency of the United States within the meaning of 5 U.S.C. § 552(f). Customs has possession and control of the records Plaintiff seeks.

BACKGROUND

THE COMPLIANCE ASSESSMENT AUDIT

AND CUSTOMS' CLASSIFICATION OF FORD AS A LOW RISK IMPORTER

5. Between 1997 and 2000, a Compliance Assessment Team (CAT) from Customs conducted an audit of Ford's import activity. In its Importer Compliance Assessment Report dated October 27, 2000, the CAT found that Ford's practices qualify it as a "low risk" importer. A copy of the Report provided to Ford by Customs is attached hereto as Exhibit E. Ford does not

know whether its copy of the Report is complete, or whether Customs included additional documents in its file, all of which are records to which Ford is entitled under FOIA.

6. Despite the statement in the Report, Ford never received a follow-up letter from Customs stating that Ford is a "low risk" importer, as, on information and belief, other importers who also received a "low risk" classification in the CAT audits did.

7. On information and belief, Customs formed a group at its Headquarters that reviewed all of the CAT audits and determined which importers would receive letters that purported to confirm the CAT audits' finding of a low risk importer. According to Customs' Russ Ugone in a conversation with Ford representatives in the first part of 2001, this group determined that Ford would not receive such a letter, because Customs felt that it "did not know [Ford] anymore." On information and belief, this group created records to which Ford is entitled under FOIA.

8. Customs took the position that unless an importer had received a letter from Customs stating that it was a low risk importer, the importer was not considered to be low risk, despite any findings by Customs in the official Importer Compliance Assessment Reports, issued by Customs and signed by both the auditors in Regulatory Audit and the relevant Port Director for that importer. On information and belief, records concerning Customs' stance on this issue exist and are subject to disclosure under FOIA.

9. Ford learned of Customs' position, first in February 2002 when Customs invited Ford to be a charter member of the Customs-Trade Partnership Against Terrorism (C-TPAT), but Ford was told by the Customs official who extended the invitation on behalf of the

Commissioner that an exception was being made in Ford's case because Ford was "not a low risk importer," and then in March 2005 during the trial testimony of a former Port Director, who was testifying for Customs in a case against Ford in the United States Court of International Trade (CIT).

10. Customs' refusal to officially recognize Ford as a low risk importer has had a material adverse effect on Ford, as evidenced by two decisions from the CIT in which the Court determined that Ford was not entitled to mitigation of penalties, based on the Court's acceptance of Customs' representations that Ford was not a low risk importer. See United States v. Ford Motor Co., 395 F. Supp. 2d 1190 (Ct. Int'l Trade 2005); United States v. Ford Motor Co., 387 F. Supp. 2d 1305 (Ct. Int'l Trade 2005).

FORD AND THE IMPORTER SELF ASSESSMENT PROGRAM

11. Meanwhile, in 2002, Ford was invited to comment on draft guidelines for the original Importer Self-Assessment ("ISA") Program being developed by Customs. The ISA Program is a partnership between Customs and importers intended to create a high level of trade compliance by permitting select importers to monitor their own adherence to Customs laws and regulations.

12. Ford did comment on the draft guidelines, several of which comments were incorporated into the final, initial ISA program, which was published with invitations to the importing community to join in June 2002. Ford also applied to be one of the first participants in the ISA Program. Customs stated that in order to participate in the ISA Program, an importer must (1) become a member with full benefits of C-TPAT, (2) be a resident importer with a

minimum of two years importing experience, (3) agree to comply with all applicable Customs laws and regulations, (4) have and maintain a system of business records that demonstrates the accuracy of Customs transactions, (5) complete an ISA questionnaire and sign an ISA memorandum of understanding, and (6) have the ability to connect to the internet. See 67 Fed. Reg. 41298 (June 17, 2002). Ford fulfilled and continues to meet all of the requirements for ISA.

13. As described in June 2002, the ISA Program provides its members numerous benefits, including the right to receive entry summary trade data, including analysis support; consultation, guidance and training by customs; the opportunity to apply for coverage of multiple business units; exemption from all comprehensive compliance audits; access to a hotline to Regulatory Audit Division key liaison officials; access to a Customs team assigned to service ISA participants; and special consideration in the event that civil penalties or liquidated damages are assessed against a member. See 67 Fed. Reg. 41298 (June 17, 2002). Because Customs has delayed admitting Ford into the Program, Ford has been deprived of these membership benefits.

14. In May 2002, representatives of Ford met with several Customs officials at Customs Headquarters in Washington, D.C., to discuss ways to resolve several penalty actions pending against Ford, two of which had been filed in the CIT and one of which had been filed in the Eastern District of Michigan in late February and early March 2002.

15. At that meeting, one of the Customs officials suggested that if Ford showed "leadership" in some of Customs' current initiatives, such as C-TPAT and ISA, Customs would be amenable to an expeditious and amicable resolution of the open penalty cases against Ford.

16. The day after the meeting, a representative of Ford went to Torrance, California,

to attend a meeting of the Customs-Automotive Round Table ("CART"). At that meeting, the proposed ISA was discussed. There was a great deal of skepticism about the program from most of the private-sector attendees, because it seemed too similar to a previous, failed compliance initiative, known as the Importer Compliance Monitoring Program (ICMP).

17. As agreed with Customs the day before, the Ford representative suggested that the CART members take a closer look at ISA, that there were clear benefits to participation, most notably removal from the regular audit pool, and that the Ford representative, at least, believed that Customs was sincere in attempting to create a voluntary compliance program that would not expose the participants to unwarranted intrusion or regulation.

18. As a result of Ford's arguments in favor of ISA, when Customs officials, including two who had attended the meeting with Ford in Washington the day before, joined the CART meeting in the afternoon, the private-sector participants' views toward the Program were very favorable. A Customs official noted his pleasant surprise at this development to the Ford representative during a break in the meeting. On information and belief, there exist notes and communications concerning these activities, to which Ford is entitled under FOIA.

19. Following official publication and the opening of acceptance of applications for participation in ISA, Ford was one of the first five importers to submit its application.

20. In November 2002, at the Commissioner's Symposium in Washington, D.C., the first three importers to be admitted to ISA were announced: General Motors and Delphi Automotive Systems were two of the three first importers admitted to ISA. On information and belief, Customs maintains records, to which Ford is entitled under FOIA, concerning Customs'

decision to admit these three importers first and delay its evaluation of Ford's application.

21. Ford submitted its application for ISA before Delphi did. In fact, Delphi submitted its application only after consulting with Ford on the benefits.

22. The ISA audit reviews for the first three participants were done in August 2002, through brief visits by the newly formed ISA team, based in Ford Mitchell, Kentucky.

23. Following the announcement of the first three participants in ISA,, Ford made contact on several occasions with Customs to ask when its ISA review meeting would be conducted.

24. The ISA Regulatory Audit team based in Fort Mitchell, Kentucky, conducted its ISA application review at Ford's headquarters in Dearborn, Michigan, in February 2003.

25. The Regulatory Audit team submitted a report in April 2003 to Customs Headquarters. On information and belief, the report recommended that Ford be accepted into the ISA Program.

26. On or about April 7, 2003, a Customs official at Headquarters called Ford and said that the ISA team's report had been received at Headquarters and that it was "favorable". This official also said that a group within Headquarters was meeting to "finalize" a settlement of the penalty cases against Ford. Ford understood this to mean that Customs was fulfilling its commitment made to Ford in May 2002. On information and belief, records of this meeting at Headquarters exist and are eligible for disclosure under FOIA.

27. In June 2003 at the annual meeting of the American Association of Exporters and Importers, a Customs official announced that importers who had existing compliance cases with

Customs should not be discouraged from applying for ISA, because Customs would work with the importer. As an example, this official said that a "major importer" with several significant penalty cases had applied for ISA and was "well on its way" to being accepted. On belief, this official was referring to Ford.

28. In August 2003, however, at a "Town Hall" in Detroit that was co-sponsored by Ford and organized with Ford's support, Customs stated that importers who had open penalty cases could not be admitted to ISA. There was no explanation of Customs' change in position. It is Ford's belief that the statement made in August was directed at Ford specifically. On information and belief, records concerning Customs' change in position exist and are subject to disclosure under FOIA.

29. From shortly after the ISA review meeting in February 2003 until June 2004, Ford made numerous inquiries to the ISA team based in Fort Mitchell, Kentucky to ask about the status of Ford's ISA application. On or about June 4, 2004, a Customs official called Ford and said that Ford would be notified of its acceptance into ISA once the pending penalty cases had been resolved.

30. It is Ford's belief that Customs has delayed formally accepting Ford into ISA because, as one of Customs' attorneys in the Office of Chief Counsel put it during a meeting among Customs' and Ford's attorneys in the penalty cases, Ford's acceptance into ISA would "fatally undermine" Customs' position in the penalty cases.

31. In February 2005, Customs conducted an ISA review of Mazda North America Operations. In November 2005, Customs accepted MNAO into ISA. MNAO is Mazda

Corporation of Japan's North American distribution arm. Mazda is owned in part by Ford and Ford has management control of Mazda. Ford personnel supported and advised MNAO on its ISA application.

32. To date, Ford has not received notice of its acceptance into the ISA Program.

CUSTOMS' RECORD OF FORD'S COMPLIANCE

33. Customs monitors the compliance record of importers into the United States. As part of its compliance monitoring process, Customs issues compliance reports to many, if not all, importers. These reports are issued on a quarterly basis.

34. The Compliance Reports comprise a Summary sheet, which shows in statistical terms the importer's overall compliance rate for the period, plus breakouts of the various areas Customs examined to determine the importer's compliance. These breakouts are also expressed in statistical terms. The reports generally consist of several pages.

35. All of Ford's importing affiliates in the United States have received and continue to receive quarterly Compliance reports. These affiliates include Volvo Cars North America, Land Rover North America, and Jaguar Cars North America. Volvo and Land Rover import into the U.S. under their own Importer of Record (IOR) numbers, aka EIN's. Jaguar imports under Ford's IOR, with a separate suffix, JC.

36. Volvo, Land Rover and Jaguar regularly receive quarterly reports complete with the compliance summaries and supporting detail.

37. Ford, on the other hand, only sporadically receives these Compliance reports, and for those it does receive never gets a summary that shows its overall compliance rate in statistical

terms. In reviewing, the detail reports, it is clear that Customs has not detected any material problems or that Ford's overall compliance rate is problematic, but the reports themselves are not complete.

38. Ford has asked its National Account Manager at Customs for complete reports. That person responded that whatever Ford received was complete and that all compliance reports were "different". Ford knows that statement to be inaccurate. On information and belief, complete reports and related documents exist and should be produced to Ford.

39. Ford believes that Customs intentionally omits the summary of the compliance reports in an effort to avoid disclosing that Ford has consistently had very high compliance rates, by Customs own measure, for a number of years and at least since 2000.

FOIA REQUESTS

40. By separate letters to (1) the Office of the Commissioner of Customs in Washington, D.C., (2) the Office of Chief Counsel at Customs in Washington, D.C., and (3) the Customs Regulatory Audit Division in Fort Mitchell, Kentucky, each dated October 6, 2005, Plaintiff requested, pursuant to FOIA, copies of any and all documents relating to the review of Ford's application to join the ISA program and copies of all documents from January 2001 to the present relating to an assessment of or comment on the nature or quality of Ford's relationship with Customs or Ford's compliance with Customs laws and/or regulations. See Exhibits A, B and C.

41. By letter to the Customs Regulatory Audit Division in Washington, D.C., also dated October 6, 2005, Plaintiff requested, pursuant to FOIA, any documents relating to

Customs' classification of Ford as a "low risk" importer during the 1997-2000 CAT audit and thereafter and Customs' policies concerning what constitutes a "low risk" importer (hereinafter "the CAT documents"); documents relating to the review of Ford's application to join the ISA program (hereinafter "the ISA documents"); and documents from January 2001 to the present relating to an assessment of or comment on the nature or quality of Ford's relationship with Customs or Ford's compliance with Customs laws and/or regulations. See Exhibit D.

42. On October 13, 2005, counsel for Plaintiff spoke by telephone with Joseph Rees, Director of the Importer Self Assessment Program at the Customs Office of Strategic Trade in Washington, D.C. Mr. Rees informed counsel that Ford currently maintains a high-quality import operation and is "a poster child" for the way a company should conduct its import operations in relation with Customs. Mr. Rees further informed counsel that Customs had generated a favorable report indicating that Ford met the requirements of the ISA Program, and that the only reason Ford had not been admitted to the Program was the existence of the CIT cases, because Customs "policy" precludes admittance into ISA when there are outstanding disputes with Customs, even though those disputes relate to events of many years ago. Mr. Rees offered, in exchange for Ford's dropping all of its FOIA requests, to provide Ford a letter from Customs stating that Ford has met all of the requirements for the ISA Program and had not been admitted only because of a dispute with Customs.

43. By letter dated November 1, 2005, to Mr. Rees, counsel for Plaintiff memorialized the October 13, 2005, discussion and said that while Ford would appreciate a letter from Customs stating that Ford has met all of the requirements for the ISA Program and had not been

admitted only because of a dispute with Customs, such a letter would not serve as a substitute to a timely response to Ford's FOIA requests. A copy of the letter is attached hereto as Exhibit F.

44. By letter dated November 4, 2005, Mr. Rees acknowledged receipt of Ford's FOIA request. A copy of the letter is attached hereto as Exhibit G.

45. Over the next month, Ford did not receive any further response or contact from Mr. Rees or anyone else at Customs with regard to Ford's FOIA requests.

46. By letter dated December 6, 2005, counsel for Plaintiff filed an administrative appeal of the Customs agencies' lack of response to Plaintiff's FOIA requests. Counsel stated that none of the agencies had given Ford a timetable in which it could expect a determination of its requests or any responsive documents. The appeal noted that pursuant to 5 U.S.C. § 552 (a)(4)(B) and 19 C.F.R. § 103.9, Ford was considered to have exhausted its administrative remedies with respect to the requests when it did not receive a timely response and thus was authorized to commence a civil action; however, in the interest of reaching an amicable solution, Ford chose to file an administrative appeal. A copy of the appeal is attached hereto as Exhibit H.

47. By letter dated January 9, 2006, Shari Suzuki, Acting Chief of FOIA Appeals, Policy & Litigation Branch, acknowledged receipt of Ford's appeal. Ms. Suzuki stated that "[w]e make every endeavor to complete our review and prepare [] a response. However, multiple issue inquiries, or those requiring other agency input, may delay our response." A copy of the letter is attached hereto as Exhibit I.

48. On March 10, 2006, counsel for Plaintiff left a telephone message for Greg

Deutsch, attorney with the Office of Regulations and Rulings, FOIA Appeals, Policy & Litigation Branch, who had been assigned to handle Ford's appeal. Counsel inquired as to why it had not received any further response or information following the January 9, 2006 letter.

49. On or about March 15, 2006, Mr. Deutsch returned counsel's phone call and stated that he had spoken with Mr. Rees back in January and had thought that Mr. Rees was going to send Ford a response letter and responsive documents in early February.

50. On March 15, 2006, Mr. Deutsch sent by facsimile to counsel for Plaintiff an undated letter that, according to Mr. Rees, had been sent to counsel for Plaintiff on February 2, 2006. Counsel for plaintiff had not received or seen the letter prior to March 15, 2006.

51. In the undated letter to counsel for Plaintiff, Mr. Rees stated that it would take approximately six weeks to review all existing CAT documents to ascertain which could be released pursuant to Plaintiff's FOIA requests. Mr. Rees further stated that any existing ISA documents, other than Ford's ISA application, are exempt from disclosure by the deliberative process privilege. Mr. Rees did not elaborate as to the nature of the exempt documents other than that they were "documents prepared for the ISA Review Board." A copy of the undated letter is attached hereto as Exhibit J.

52. In a phone conversation on March 28, 2006, Mr. Deutsch informed counsel for Plaintiff that Customs had collected a vast amount of documents, including a large number from its offices in Detroit and Kentucky, that were responsive to Ford's FOIA requests. Mr. Deutsch promised that the documents would be expeditiously reviewed to determine whether they could be released, but he noted that Chief Counsel at Customs had a special interest in reviewing the

documents in light of ongoing litigation between Customs and Ford. Counsel for Plaintiff noted to Mr. Deutsch that the fact that there is ongoing litigation between Customs and Ford is irrelevant to the determination of whether documents may be released pursuant to FOIA.

53. By letter dated March 31, 2006, to Mr. Deutsch, counsel for Plaintiff summarized the history of the FOIA requests and appeal process and recounted the March 28 conversation. Counsel requested that responsive documents be provided as soon as they are reviewed, and asked whether, in light of apparently newly discovered documents, Mr. Rees' undated response still represented Customs' position. Finally, Counsel noted that Ford had yet to receive a single document from Customs more than six months after its FOIA requests, and insisted that Customs' review be conducted on an expedited basis. A copy of the letter is attached hereto as Exhibit K.

54. On April 24, 2006, by telephonic message, Mr. Deutsch informed counsel for Plaintiff that he was still working on Customs' response and was getting assistance from Mr. Rees, Leon Sample from Regulatory Audit in Kentucky, and Chief Counsel. Mr. Deutsch stated that he had gone through 40 disks and three boxes of materials from Customs' Detroit office, mostly from 1997 to 2000, and that he expected additional materials from the files of Mr. Sample and Mr. Rees. Mr. Deutsch further stated that the Office of the Commissioner and the Office of Chief Counsel said they never received the original FOIA requests, but that Mr. Deutsch would continue addressing all of the requests at the appeal level rather than remanding those requests.

55. On or about May 9, 2006, in a telephone conversation with counsel for Plaintiff, Mr. Deutsch requested copies of the initial FOIA requests to the Office of the Commissioner and

the Office of Chief Counsel. On May 9, 2006, counsel for Plaintiff sent copies of the requests to Mr. Deutsch by facsimile. A copy of the facsimile is attached hereto as Exhibit L.

55. On May 26, 2006, in a telephone conversation with counsel for Plaintiff, Mr. Deutsch stated that the release of certain documents had been approved by the head of his section and by a representative of the Office of Chief Counsel, but he still was awaiting approval from Kathy Bucholtz, Assistant Chief Counsel for Customs in Chicago, who has been directly involved in several Ford penalty cases. Counsel for Plaintiff stressed to Mr. Deutsch that any litigation between Customs and Ford is irrelevant to whether documents must be disclosed pursuant to FOIA.

56. On May 30, 2006, Mr. Deutsch sent by facsimile to counsel for Plaintiff seven pages of redacted documents as an "advance courtesy copy of what OR&R will send you on June 5, 2006." Mr. Deutsch stated that the production was a "preliminary, partial release of documents." As of July 21, 2006, Plaintiff has not received a hard copy of those documents.

57. On July 5, 2006, counsel for Plaintiff received a letter, dated June 30, 2006, from Ms. Suzuki, attaching an additional 23 redacted documents. Ms. Suzuki stated that "[c]ertain portions of some of the documents included in each of the releases are exempt from disclosure pursuant to 5 U.S.C. 552(b)(2), (b)(4), (b)(5), and (b)(6)." Ms. Suzuki further wrote that the office would "continue to make incremental releases as responsive documents become available," but that "If you consider this to be a denial of your appeal, you may obtain judicial review of this decision" A copy of the letter is attached hereto as Exhibit M. As of July 21, 2006, Plaintiff has not received a description of documents or portions of documents being

withheld and the specific reasoning therefor.

58. Also on July 5, 2006, counsel for Plaintiff received another letter from Ms. Suzuki, also dated June 30, 2006, and citing the same appeal file number. In this letter, Ms. Suzuki stated that, because Ford declined to narrow the scope of its requests seeking documents from January 2001 to the present relating to an assessment of or a comment on the nature or quality of Ford's relationship with Customs or Ford's compliance with Customs laws and/or regulations, Customs was purporting to bifurcate Ford's requests and to remand to the Office of Chief Counsel for "reprocessing of this aspect of the initial request." A copy of the letter is attached hereto as Exhibit N.

COUNT ONE: VIOLATION OF FOIA REQUIREMENTS

59. More than nine months have lapsed since Plaintiff's initial requests were filed.

60. Customs has not complied with the statutory time limitations mandated by 5 U.S.C. § 552(a)(6)(A), which requires 20 days to respond to a FOIA request and 20 days to "make a determination with respect to any appeal."

61. Customs also has not satisfied the requirements and procedures for an alternative timeframe for processing the requests in accordance with 5 U.S.C. § 552(a)(6)(B).

62. Customs had not denied the existence of the records requested.

63. To the extent that Customs has denied any portion of Plaintiff's requests by asserting an exemption under FOIA, Customs failed to satisfy any exemption with sufficient particularity.

64. Plaintiff has exhausted its administrative remedies with Customs' failure to

comply with the applicable time limit provisions, see 5 U.S.C. § 552(a)(6)(C), as well as by Plaintiff's December 6, 2005, administrative appeal of Customs' constructive denial of Plaintiff's FOIA requests, and Customs' June 30, 2006, response to that appeal.

65. Plaintiff has a statutory right to the records requested, and there is no legal basis for Customs' refusal to disclose them.

COUNT TWO: VIOLATION OF ADMINISTRATIVE PROCEDURE ACT
WITH RESPECT TO FOIA

66. Plaintiff incorporates the allegations of paragraphs 1 through 65 above.

67. More than nine months after Plaintiff's initial requests were filed, Customs has provided only a small number of responsive documents and refuses to provide any information regarding the timeline or content of future "incremental releases," as mandated by 5 U.S.C. § 552(a)(6)(B).

68. More than seven months after Plaintiff's timely administrative appeal of Customs' constructive denial of its requests, and in the absence of statutory authorization, Customs purports now to bifurcate Plaintiff's requests and remand to the Office of Chief Counsel for "reprocessing" "an aspect of the initial request" that the Agency never "processed" previously.

69. These practices constitute agency action that is arbitrary, capricious, an abuse of discretion, not in accordance with law, in excess of statutory authority and limitations, short of statutory right, and without observance of procedure required by law within the meaning of the APA, 5 U.S.C. § 706(2)(A), (C) and (D).

70. Plaintiff has been adversely affected and aggrieved by these practices.

71. Plaintiff has exhausted the applicable administrative remedies.

COUNT THREE: VIOLATION OF ADMINISTRATIVE PROCEDURE ACT
WITH RESPECT TO IMPORTER SELF-ASSESSMENT PROGRAM

72. Plaintiff incorporates the allegations of paragraphs 1 through 71 above.

73. The Importer Self-Assessment Program was created by Customs under its regulatory audit authority, set forth at 19 U.S.C. § 1509 and 19 C.F.R. § 163.11.

74. Customs has set forth several requirements for participation in the ISA program, all of which Plaintiff has fulfilled and continues to fulfill.

75. Customs has determined that Plaintiff is qualified for the ISA program and ready to assume the responsibilities of self-assessment, but Customs has delayed formally accepting Plaintiff into the ISA program because doing so would adversely affect Customs' position in penalty cases against Plaintiff.

76. Plaintiff's admission into the ISA program has thus been unlawfully withheld and unreasonably delayed.

77. Plaintiff has been aggrieved and adversely affected by Customs' inaction because Plaintiff has been deprived of the benefits of membership in the ISA program.

WHEREFORE, Plaintiff prays that this Court:

1. Declare that Customs, by withholding the requested records, is violating 5 U.S.C. § 552(a)(3);
2. Order Customs to make the requested records available to Plaintiff forthwith;
3. Award Plaintiff costs and reasonable attorney fees in this action, pursuant to

5 U.S.C. § 552(a)(4)(E);

4. Declare that Customs' conduct as described in this Complaint is arbitrary, capricious, an abuse of discretion, not in accordance with law, in excess of statutory authority and limitations, short of statutory right, and without observance of procedure required by law within the meaning of the APA, 5 U.S.C. § 706(2)(A), (C) and (D);

5. Order Customs, pursuant to 5 U.S.C. § 706(1), to admit Plaintiff to the ISA Program;

6. Provide for expeditious processing of this complaint; and

7. Grant such other and further relief as the Court may deem just and proper.

BAKER & HOSTETLER LLP

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October 6, 2005

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**FREEDOM OF INFORMATION ACT REQUEST
CONFIDENTIAL TREATMENT REQUESTED**

VIA FEDERAL EXPRESS

United States Customs and Border Protection
Office of the Commissioner
1300 Pennsylvania Avenue, N.W.
Washington, D.C. 20229

Re: Freedom of Information Act Request on Behalf of Ford Motor Company

Dear Sir or Madam:

We are submitting this request for records and information from U.S. Customs and Border Protection (hereinafter "CBP") pursuant to the Freedom of Information Act, 5 U.S.C. § 552, and Part 103 of the U.S. Customs Regulations, 19 C.F.R. Part 103, on behalf of our client, Ford Motor Company (hereinafter "Ford"). Similar requests are being filed with the Office of Chief Counsel, and the Regulatory Audit divisions in Detroit, Fort Mitchell, Kentucky, and Washington, D.C., because we believe that some of the records and documentation sought herein will likely be found in those locations.

For the purposes of this request, the term "documents" shall refer to all documents, including memoranda, work papers, accounting worksheets, spreadsheets, reports, facsimiles, letters, notes of any kind, including but not limited to personal notes; e-mails, telexes, research, computerized or electronic records of any kind, and memorializations in any form of discussions with any other persons including, but not limited to, other CBP personnel whether in the same or a different office.

We hereby request:

- Any documents from February 2002 to the present that relate in any way to the review of Ford's application to join the Importer Self-Assessment (ISA) Program. This request includes but is not limited to:

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- Any documents relating in any way to a meeting held in February 2003—and attended by CBP's Russell Ugone, Jerri Summers, Leon Sample, Lisa Bayne, Heddie Jones, Rick Sparo, Jennifer Avery, and Dathrenal Davis—to review Ford's ISA application;
 - Any documents relating in any way to an initial review of ISA application by an ISA review team based in Kentucky, and a report issued by that team to the Regulatory Audit Division on or around April 2003;
 - Any documents relating to communications between Ford and Russell Ugone during the period from February 2002 to the present, including an April 7, 2003, telephone conversation between Mr. Ugone and Ford's Paul Vandever;
 - Any documents relating to a meeting on or around May 2002 between Mr. Vandever and several Customs officials, including Customs Chief of Staff Andrew Maner and Dathrenal Davis of CBP's office in Detroit;
 - Any documents belonging or having belonged to Russell Ugone that relate to Ford's participation in the development of the ISA program and Ford's application to join the ISA program; and
 - Any documents relating to CBP's decision to withhold action on or deny Ford's ISA application.
- All documents from January 2001 to the present that in any way relate to an assessment of or otherwise comment on the nature or quality of Ford's relationship with CBP or Ford's compliance with Customs laws and/or regulations.

We have specified Mr. Ugone's files as a potential source of documents in the hope that we will be able to avoid troubling Mr. Ugone with a deposition should CBP fail to comply with these requests and Ford be forced to pursue them in litigation.

Please forward all of the requested information and any correspondence pertaining to this request, including the determination to grant or deny the request, to:

Baker & Hostetler LLP
Attention: Bruce J. Casino
1050 Connecticut Avenue N.W.
Suite 1100
Washington D.C. 20036

We would like to have a copy of the requested records made and furnished without first inspecting them, but we would be willing to discuss this with you further if inspection would expedite your response. Further, we agree on behalf of Ford to pay the fees for search and

United States Customs And Border Protection

October 6, 2005

Page 3

duplication of the requested materials; however, if you anticipate that such fees will exceed \$500, we request that you advise me of the estimated fees prior to accrual thereof.

Thank you for your prompt attention to this matter. We look forward to receiving a response within twenty (20) working days as specified under the Act. If any further information is needed in connection with this request, please contact me at 202-861-1640.

Sincerely,

A handwritten signature in black ink, appearing to read "B. J. Casino", written over a horizontal line.

Bruce J. Casino

BAKER & HOSTETLER LLP

EXPRESS SHIPMENT REQUEST FORM

Dok

SENDER

Requested By: Barbara Szczepanik Ext: 1675 Date: 10/6/05
 Attorney Name: Bruce Casino Law #: 4188
 Client - Matter No.: 72370-00888 ☐ Personal Charge

RECEIVER

Recipient's Name: Office of the Commissioner United States Customs and
Company: Border Protection
 Street Address: 1300 Pennsylvania Avenue, N.W. Suite:
(P.O. Zip Codes and P.O. Boxes address will not be delivered.)
Washington, D.C. City: State: Zip: 20229
 Telephone: ☐ Please see the label on the envelope

SERVICE INFORMATION

- ☒ FedEx ☐ UPS ☐ DHL / Airborne ☐ Anyone with low cost
☐ Next Business Day Early (Estimate delivery time is between 8:00 a.m. to 9:00 a.m.. Very Expensive cost.)
☒ Next Business Day before Noon ☐ Next Business Day Afternoon
☐ 2nd Business Day Air ☐ 3rd Business Day Air
☐ Ground Service (Estimate transit time is 2 to 5 business days, Not available for same day pick-up, Cheapest cost)
☐ Saturday Delivery (Very Expensive Cost)
☐ International Express Priority ☐ International Express Economy
☐ Declared Value ☐ No Signature Required

(Office Services will only accept maximum \$500.00 declared value for all Express shipments.)

SPECIAL INSTRUCTIONS

☐ Request shipment tracking # for record.

Ref: 4188-72370-00888 Date: 10/06/2005
 Dep: RAYMOND PERALTA Wgt: 0.1 LBS

SHIPPING: 8.0
 SPECIAL: 1.3
 HANDLING: 0.0
 TOTAL: 10.0

ONLY

Svcs: PRIORITY OVERNIGHT
 TRCK: 5601 8232 1847

Tracking # :

Prepared
by:

Note: Pick-up cut off time for Fedex, UPS, DHL and Airborne is 6:00 p.m. (Mon - Fri).

Federal Express Scan Detail Report

OK

Report Run Date : 11/02/2005

Report Run Time : 14:58

Tracking Number : 660182321847 ✓

Service Type : Priority Envelope

Activity	City	State	Date	Time
Delivered	WASHINGTON	DC	10/07/05	10:39
Delivery attempt	WASHINGTON	DC	10/07/05	10:10
On FedEx vehicle for delivery	WASHINGTON	DC	10/07/05	09:21
On FedEx vehicle for delivery	WASHINGTON	DC	10/07/05	08:37
Left FedEx Ramp	DULLES	VA	10/07/05	07:18
Arrived at FedEx Destination Locatio	WASHINGTON	DC	10/07/05	07:10
Arrived at FedEx Ramp	DULLES	VA	10/06/05	9:58
Left FedEx Origin Location	WASHINGTON	DC	10/06/05	9:18
Picked up by FedEx	WASHINGTON	DC	10/06/05	7:17

Delivered to : Receptionist/Front Desk
Delivery time : 10:39AM
Signed for by : G.VANTULL
Delivered Address :

B

BAKER
&
HOSTETLER LLP
COUNSELLORS AT LAW

WASHINGTON SQUARE, SUITE 1100 • 1050 CONNECTICUT AVENUE, N.W. • WASHINGTON, D.C. 20036-5304 • (202) 861-1500
FAX (202) 861-1783

October 6, 2005

BRUCE J. CASINO
WRITER'S DIRECT DIAL NUMBER (202) 861-1640
E-MAIL: BCASINO@BAKERLAW.COM

FREEDOM OF INFORMATION ACT REQUEST
CONFIDENTIAL TREATMENT REQUESTED

VIA FEDERAL EXPRESS

United States Customs and Border Protection
Office of the Chief Counsel
1300 Pennsylvania Avenue, N.W.
Washington, D.C. 20229

Re: Freedom of Information Act Request on Behalf of Ford Motor Company

Dear Sir or Madam:

We are submitting this request for records and information from U.S. Customs and Border Protection (hereinafter "CBP") pursuant to the Freedom of Information Act, 5 U.S.C. § 552, and Part 103 of the U.S. Customs Regulations, 19 C.F.R. Part 103, on behalf of our client, Ford Motor Company (hereinafter "Ford"). Similar requests are being filed with the Office of the Commissioner, and the Regulatory Audit divisions in Detroit, Fort Mitchell, Kentucky, and Washington, D.C., because we believe that some of the records and documentation sought herein will likely be found in those locations.

For the purposes of this request, the term "documents" shall refer to all documents, including memoranda, work papers, accounting worksheets, spreadsheets, reports, facsimiles, letters, notes of any kind, including but not limited to personal notes; e-mails, telexes, research, computerized or electronic records of any kind, and memorializations in any form of discussions with any other persons including, but not limited to, other CBP personnel whether in the same or a different office.

We hereby request:

- Any documents from February 2002 to the present that relate in any way to the review of Ford's application to join the Importer Self-Assessment (ISA) Program. This request includes but is not limited to:

United States Customs And Border Protection

October 6, 2005

Page 2

- Any documents relating in any way to a meeting held in February 2003—and attended by CBP's Russell Ugone, Jerri Summers, Leon Sample, Lisa Bayne, Heddie Jones, Rick Spare, Jennifer Avery, and Dathrenal Davis—to review Ford's ISA application;
 - Any documents relating in any way to an initial review of ISA application by an ISA review team based in Kentucky, and a report issued by that team to the Regulatory Audit Division on or around April 2003;
 - Any documents relating to communications between Ford and Russell Ugone during the period from February 2002 to the present, including an April 7, 2003, telephone conversation between Mr. Ugone and Ford's Paul Vandever;
 - Any documents relating to a meeting on or around May 2002 between Mr. Vandever and several Customs officials, including Customs Chief of Staff Andrew Maner and Dathrenal Davis of CBP's office in Detroit;
 - Any documents belonging or having belonged to Russell Ugone that relate to Ford's participation in the development of the ISA program and Ford's application to join the ISA program; and
 - Any documents relating to CBP's decision to withhold action on or deny Ford's ISA application.
- All documents from January 2001 to the present that in any way relate to an assessment of or otherwise comment on the nature or quality of Ford's relationship with CBP or Ford's compliance with Customs laws and/or regulations.

We have specified Mr. Ugone's files as a potential source of documents in the hope that we will be able to avoid troubling Mr. Ugone with a deposition should CBP fail to comply with these requests and Ford be forced to pursue them in litigation.

Please forward all of the requested information and any correspondence pertaining to this request, including the determination to grant or deny the request, to:

Baker & Hostetler LLP
Attention: Bruce J. Casino
1050 Connecticut Avenue N.W.
Suite 1100
Washington D.C. 20036

We would like to have a copy of the requested records made and furnished without first inspecting them, but we would be willing to discuss this with you further if inspection would expedite your response. Further, we agree on behalf of Ford to pay the fees for search and

United States Customs And Border Protection

October 6, 2005

Page 3

duplication of the requested materials; however, if you anticipate that such fees will exceed \$500, we request that you advise me of the estimated fees prior to accrual thereof.

Thank you for your prompt attention to this matter. We look forward to receiving a response within twenty (20) working days as specified under the Act. If any further information is needed in connection with this request, please contact me at 202-861-1640.

Sincerely,

A handwritten signature in black ink, appearing to read "B. Casino", written over a horizontal line.

Bruce J. Casino

BAKER & HOSTETLER LLP**EXPRESS SHIPMENT REQUEST FORM****SENDER**Requested By: Barbara Szczepanik Ext: 1675 Date: 10/6/05Attorney Name: Bruce Casino Law #: 4188Client - Matter No.: 72370-00888 ☐ Personal Charge**RECEIVER**Recipient's Name: Office of Chief Counsel Company: United States Customs and Border ProtectionStreet Address: 1300 Pennsylvania Avenue, N.W. Suite:
(P.O. Zip Codes and P.O. Boxes address will not be delivered.)City: Washington, D.C. State: Zip: 20229Telephone: ☐ Please see the label on the envelope**SERVICE INFORMATION**

- ☒ FedEx ☐ UPS ☐ DHL / Airborne ☐ Anyone with low cost
☐ Next Business Day Early (Estimate delivery time is between 8:00 a.m. to 9:00 a.m., Very Expensive cost.)
☒ Next Business Day before Noon ☐ Next Business Day Afternoon
☐ 2nd Business Day Air ☐ 3rd Business Day Air
☐ Ground Service (Estimate transit time is 2 to 5 business days, Not available for same day pick up, Cheapest cost)
☐ Saturday Delivery (Very Expensive Cost)
☐ International Express Priority ☐ International Express Economy
☐ Declared Value ☐ No Signature Required

(Office Services will only accept maximum \$500.00 declared value for all Express shipments.)

SPECIAL INSTRUCTIONS☐ Request shipment tracking # for record.Ref: 4188-72370-00888 Date: 10/06/2005
Dep: RAYMOND PERALTA Wgt: 0 1 1.85SHIPPING:
SPECIAL:
HANDLING:
TOTAL:8 6
1 3
0 0
10 0**ONLY**Sves: PRIORITY OVERNIGHT
TRCK: 6601 8232 1858Prepared
by:

Tracking # :

Note: Pick-up cut off time for Fedex, UPS, DHL and Airborne is 6:00 p.m. (Mon - Fri).

Pitney Bowes Management Services

PBMS Copy

Report Run Date : 11/02/2005

Report Run Time : 14:55

Tracking Number : 660182321858

Service Type : Priority Envelope

OK

Activity	City	State	Date	Time
Delivered	WASHINGTON	DC	10/07/05	10:39
Delivery attempt	WASHINGTON	DC	10/07/05	10:10
On FedEx vehicle for delivery	WASHINGTON	DC	10/07/05	09:21
On FedEx vehicle for delivery	WASHINGTON	DC	10/07/05	08:37
Left FedEx Ramp	DULLES	VA	10/07/05	07:18
Arrived at FedEx Destination Locatio	WASHINGTON	DC	10/07/05	07:17
Arrived at FedEx Ramp	DULLES	VA	10/06/05	9:58
Left FedEx Origin Location	WASHINGTON	DC	10/06/05	9:18
Picked up by FedEx	WASHINGTON	DC	10/06/05	7:17

Delivered to : Receptionist/Front Desk
Delivery time : 10:39AM
Signed for by : G.VANTULL
Delivered Address :

C

BAKER
&
HOSTETLER LLP
COUNSELLORS AT LAW

WASHINGTON SQUARE, SUITE 1100 • 1050 CONNECTICUT AVENUE, N.W. • WASHINGTON, D.C. 20036-5304 • (202) 861-1500
FAX (202) 861-1783

October 6, 2005

BRUCE J. CASINO
WRITER'S DIRECT DIAL NUMBER (202) 861-1640
E-MAIL: BCASINO@BAKERLAW.COM

**FREEDOM OF INFORMATION ACT REQUEST
CONFIDENTIAL TREATMENT REQUESTED**

VIA FEDERAL EXPRESS

United States Customs Service
Regulatory Audit Division
2220 Grandview Drive, Suite 215
Fort Mitchell, KY 41017

Re: Freedom of Information Act Request on Behalf of Ford Motor Company

Dear Sir or Madam:

We are submitting this request for records and information from U.S. Customs and Border Protection (hereinafter "CBP") pursuant to the Freedom of Information Act, 5 U.S.C. § 552, and Part 103 of the U.S. Customs Regulations, 19 C.F.R. Part 103, on behalf of our client, Ford Motor Company (hereinafter "Ford"). Similar requests are being filed with the Office of Chief Counsel, the Office of the Commissioner, and the Regulatory Audit divisions in Detroit and Washington, D.C., because we believe that some of the records and documentation sought herein will likely be found in those locations.

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United States Customs Service

October 6, 2005

Page 2

- Any documents relating in any way to a meeting held in February 2003—and attended by CBP's Russell Ugone, Jerri Summers, Leon Sample, Lisa Bayne, Heddie Jones, Rick Spare, Jennifer Avery, and Dathrenal Davis—to review Ford's ISA application;
 - Any documents relating in any way to an initial review of ISA application by an ISA review team based in Kentucky, and a report issued by that team to the Regulatory Audit Division on or around April 2003;
 - Any documents relating to communications between Ford and Russell Ugone during the period from February 2002 to the present, including an April 7, 2003, telephone conversation between Mr. Ugone and Ford's Paul Vandevent;
 - Any documents relating to a meeting on or around May 2002 between Mr. Vandevent and several Customs officials, including Customs Chief of Staff Andrew Maner and Dathrenal Davis of CBP's office in Detroit;
 - Any documents belonging or having belonged to Russell Ugone that relate to Ford's participation in the development of the ISA program and Ford's application to join the ISA program; and
 - Any documents relating to CBP's decision to withhold action on or deny Ford's ISA application.
- All documents from January 2001 to the present that in any way relate to an assessment of or otherwise comment on the nature or quality of Ford's relationship with CBP or Ford's compliance with Customs laws and/or regulations.

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United States Customs Service


October 6, 2005

Page 3

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Bruce J. Casino

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Requested By: Barbara Szczepanik Ext: 1675 Date: 10/6/05
 Attorney Name: Bruce Casino Law #: 4188
 Client - Matter No.: 72370-00888 ☐ Personal Charge

RECEIVER

Recipient's Name: Regulatory Audit Div. Company: United States Customs Service
 Street Address: 2220 Grandview Drive Suite: 215
(P.O. Zip Codes and P.O. Boxes address will not be delivered.)
 City: Fort Mitchell State: KY Zip: 41017
 Telephone: ☐ Please see the label on the envelope

SERVICE INFORMATION

- ☒ FedEx ☐ UPS ☐ DHL / Airborne ☐ Anyone with low cost
☐ Next Business Day Early (Estimate delivery time is between 8:00 a.m. to 9:00 a.m.. Very Expensive cost.)
☒ Next Business Day before Noon ☐ Next Business Day Afternoon
☐ 2nd Business Day Air ☐ 3rd Business Day Air
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☐ Declared Value ☐ No Signature Required

(Office Services will only accept maximum \$500.00 declared value for all Express shipments.)

SPECIAL INSTRUCTIONS

☐ Request shipment tracking # for record.

Ref: 4188-72370-00888 Date: 10/06/2005
 Dep: RAYMOND PERALTA Wgt: 0.1 LBS

SHIPPING 11.0
 SPECIAL 1.7
 HANDLING 0.0
 TOTAL 12.7

ONLY

Sves: PRIORITY OVERNIGHT
 TRCK: 6601 8232 1825

Prepared
 by:

Tracking #:

Note: Pick-up cut off time for Fedex, UPS, DHL and Airborne is 6:00 p.m. (Mon - Fri).



Pitney Bowes Management Services

PBMS Copy

Federal Express Scan Detail Report

Report Run Date : 11/02/2005

Report Run Time : 15:19

Tracking Number : 660182321825

Service Type : Priority Envelope

Activity	City	State	Date	Time
Delivered	COVINGTON	KY	10/07/05	09:18
On FedEx vehicle for delivery	ERLANGER	KY	10/07/05	07:59
Arrived at FedEx Destination Location	ERLANGER	KY	10/07/05	07:26
Left FedEx Sort Facility	INDIANAPOLIS	IN	10/07/05	03:19
Arrived at Sort Facility	INDIANAPOLIS	IN	10/06/05	11:40
Arrived at Sort Facility	INDIANAPOLIS	IN	10/06/05	11:40
Left FedEx Ramp	DULLES	VA	10/06/05	11:48
Arrived at FedEx Ramp	DULLES	VA	10/06/05	9:58
Left FedEx Origin Location	WASHINGTON	DC	10/06/05	9:18
Picked up by FedEx	WASHINGTON	DC	10/06/05	7:17

Delivered to : Receptionist/Front Desk
Delivery time : 09:18AM
Signed for by : F.PREWITT
Delivered Address :

D

BAKER
&
HOSTETLER LLP
COUNSELLORS AT LAW

WASHINGTON SQUARE, SUITE 1100 • 1050 CONNECTICUT AVENUE, N.W. • WASHINGTON, D.C. 20036-5304 • (202) 861-1500
FAX (202) 861-1783

October 6, 2005

BRUCE J. CASINO
WRITER'S DIRECT DIAL NUMBER (202) 861-1640
E-MAIL: BCASINO@BAKERLAW.COM

**FREEDOM OF INFORMATION ACT REQUEST
CONFIDENTIAL TREATMENT REQUESTED**

VIA FEDERAL EXPRESS

United States Customs Service
Regulatory Audit Division
1300 Pennsylvania Avenue, N.W.
Washington, DC 20229

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We hereby request:

- Any documents relating in any way to CBP's classification of Ford as a "low-risk importer" during its 1997-2000 Customs Assessment Team ("CAT") Audit. This request includes but is not limited to any documents relating to the classification of Ford as a "low-risk importer" in the October 2000 CAT Audit Report signed by

United States Customs Service

October 6, 2005

Page 2

Angela E. Ryan, Port Director in Detroit, and Edward J. Cichowlas, Field Director of the Regulatory Audit Division in Detroit.

- Any documents relating in any way to the determination of whether Ford would receive a letter from CBP memorializing its "low-risk importer" status. This request includes but is not limited to any documents relating to communications between Ford and Russell Ugone between October 2000 and April 2001.
- Any documents relating in any way to CBP's policies concerning what constitutes a "low-risk importer." This request includes but is not limited to any documents relating to CBP's issuance of letters from October 2000 through April 2001 to certain importers memorializing their status as "low-risk."
- Any documents from February 2002 to the present that relate in any way to the review of Ford's application to join the Importer Self-Assessment (ISA) Program. This request includes but is not limited to:
 - o Any documents relating in any way to a meeting held in February 2003—and attended by CBP's Russ Ugone, Jerri Summers, Leon Sample, Lisa Bayne, Heddie Jones, Rick Sparc, Jennifer Avery, and Dathrenal Davis—to review Ford's ISA application;
 - o Any documents relating in any way to an initial review of ISA application by an ISA review team based in Kentucky, and a report issued by that team to the Regulatory Audit Division on or around April 2003;
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United States Customs Service
October 6, 2005
Page 3

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Baker & Hostetler LLP
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1050 Connecticut Avenue N.W.
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Washington D.C. 20036

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Bruce J. Casino

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(P.O. Zip Codes and P.O. Boxes address will not be delivered.)City: Washington, D.C. State: Zip: 20229Telephone: ☐ Please see the label on the envelope**SERVICE INFORMATION**☒ FedEx ☐ UPS ☐ DHL / Airborne ☐ Anyone with low cost☐ Next Business Day Early (Estimate delivery time is between 8:00 a.m. to 9:00 a.m.. Very Expensive cost.)☒ Next Business Day before Noon ☐ Next Business Day Afternoon☐ 2nd Business Day Air ☐ 3rd Business Day Air☐ Ground Service (Estimate transit time is 2 to 5 business days, Not available for same day pick-up, Cheapest cost)☐ Saturday Delivery (Very Expensive Cost)☐ International Express Priority ☐ International Express Economy☐ Declared Value ☐ No Signature Required

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SPECIAL INSTRUCTIONS☐ Request shipment tracking # for record.Ref: 4188-72370-00888 Date: 10/06/2005
Dep: RAYMOND PERALTA Wgt 0.1 LBSSHIPPING: 8.6
SPECIAL: 1.3
HANDLING: 0.0
TOTAL: 10.0**ONLY**Svcs: PRIORITY OVERNIGHT
TRCK: 6601 8232 1836Prepared
by:

Tracking # :

Note: Pick-up cut off time for Fedex, UPS, DHL and Airborne is 6:00 p.m. (Mon - Fri).

Report Run Date : 11/02/2005

Report Run Time : 15:18

Tracking Number : 660182321836

Service Type : Priority Envelope

Activity	City	State	Date	Time
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On FedEx vehicle for delivery	WASHINGTON	DC	10/07/05	09:21
On FedEx vehicle for delivery	WASHINGTON	DC	10/07/05	08:37
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Arrived at FedEx Destination Location	WASHINGTON	DC	10/07/05	07:10
Arrived at FedEx Ramp	DULLES	VA	10/06/05	9:58
Left FedEx Origin Location	WASHINGTON	DC	10/06/05	9:18
Picked up by FedEx	WASHINGTON	DC	10/06/05	7:17

Delivered to : Receptionist/Front Desk

Delivery time : 10:39AM

Signed for by : G.VANTULL

Delivered Address :

E

Attachment III

U.S. CUSTOMS SERVICE
REGULATORY AUDIT DIVISION
DETROIT FIELD OFFICE
DETROIT, MICHIGAN

IMPORTER COMPLIANCE ASSESSMENT REPORT

FORD MOTOR COMPANY
DEARBORN, MICHIGAN

OCT 27 2000

COMPLIANCE ASSESSMENT REPORT NUMBER 911-97-IMO-002

This document contains sensitive business and financial information. Any disclosure, dissemination, or reproduction of this document or any of its contents is prohibited without the approval of the Field Director that signed the audit report.

W A R N I N G : C R I M I N A L P E N A L T I E S

This document contains trade secrets and commercial and financial information relating to the confidential business of private parties. The Trade Secrets Act, (18 U.S.C. 1905), provides penalties for disclosure of such information. Federal employees who violate this act and make wrongful disclosures of confidential commercial information shall be subject to a personal fine of up to \$1,000.00, or possible imprisonment for not more than one year, or both, and shall be removed from employment. Also, improper disclosure of certain information contained in this document may constitute a misdemeanor violation of the Privacy Act (5 U.S.C. 552a) and violators could be subject to a fine of not more than \$5,000.00.

Section 43 of the Table of Offenses and Penalties provides that improper disclosure of information may result in agency instituted sanctions against the violator personally, including dismissal from Customs Service.

U.S. CUSTOMS SERVICE
 REGULATORY AUDIT DIVISION
 DETROIT FIELD OFFICE
 DETROIT, MICHIGAN

IMPORTER COMPLIANCE ASSESSMENT REPORT

FORD MOTOR COMPANY
 DEARBORN, MICHIGAN

OCT 27 2000

COMPLIANCE ASSESSMENT REPORT NUMBER 911-97-IMO-002

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ATTACHMENT 9.....HARMONIZED TARIFF SCHEDULE 9801	
ATTACHMENT 10.....HARMONIZED TARIFF SCHEDULE 9802.00.80	
ATTACHMENT 11.....HARMONIZED TARIFF SCHEDULE 8708.99.8080	
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ATTACHMENT 22.....FOLLOW-UP REVIEW

EXHIBIT A.....FORD SUBSIDIARIES AND JOINT VENTURES

EXHIBIT B.....FORD'S FOREIGN RELATED COMPANIES

EXHIBIT C.....COMPANY'S COMMENTS TO THE RESULTS SHEETS

EXHIBIT D.....COMPANY'S COMPLIANCE IMPROVEMENT PLAN